

Exhibit 1

17 MAG. 5574 ORIGINAL

Approved: Samson Enzer
SAMSON ENZER / LAUREN SCHORR
Assistant United States Attorneys

Before: THE HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
- v. -	:	Violation of 18 U.S.C. § 922(g)(1)
JOSHUA SOSA,	:	
a/k/a "Sos,"	:	COUNTY OF OFFENSE:
	:	NEW YORK
Defendant.	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

CARMELO SANTANA, being duly sworn, deposes and says that he is a Detective with the New York City Police Department, and charges as follows:

COUNT ONE

1. On or about July 21, 2017, in the Southern District of New York, JOSHUA SOSA, a/k/a "Sos," the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce ammunition, to wit, several .380 caliber Eldorado Cartridge Company bullets, which SOSA used to shoot an individual (the "Victim") in a drive-by shooting that occurred in the vicinity of 124th Street between First and Second Avenues in New York, New York, after those bullets had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

The bases for my knowledge and for the foregoing charge, are, in part, as follows:

2

2. I am a Detective with the New York City Police Department ("NYPD"), and I am currently assigned to the NYPD's 25th Precinct in New York, New York. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of NYPD records relating to this matter and my discussions with NYPD officers involved in the investigation of this matter, I have learned, in substance and among other things, that on or about Friday July 21, 2017, at approximately 10:45 AM, the Victim was shot in the arm, chest, and leg during a drive-by shooting on 124th Street between First and Second Avenues in Manhattan, at a location across the street from a public pool and playground and near multiple apartment buildings that are all part of the New York City Housing Authority's Robert F. Wagner affordable housing development (the "Wagner Houses"). I recently interviewed the Victim at the hospital where the Victim is being treated for the injuries that he sustained during this drive-by shooting. During this interview, the Victim stated, in substance and among other things, the following:

a. In the morning on or about Friday July 21, 2017, while the Victim was walking westbound on 124th Street toward Second Avenue in Manhattan, a white car being driven by a Hispanic male, known as "Sos" to the Victim, pulled up beside the Victim. The driver, "Sos," started firing gunshots at the Victim, and hit the Victim in the arm, chest, and leg. While "Sos" tried to speed away in the white car, the white car crashed into a parked vehicle, and "Sos" exited the white car and fled on foot.

b. The Victim has known "Sos" for approximately a year and had a physical altercation with "Sos" a few days before the shooting, on or about Tuesday July 18, 2017, in which the Victim embarrassed "Sos" by beating "Sos" in a fight that occurred in front of friends and associates of "Sos."

3

c. The Victim was shown a photograph of JOSHUA SOSA, a/k/a "Sos," the defendant, and identified SOSA as "Sos," the Hispanic male who shot the Victim in the drive-by shooting described above.

4. Based on my examination of the scene of the drive-by shooting of the Victim under investigation in this case, my discussions with members of the NYPD evidence collection team who responded to the scene of the drive-by shooting, and my review of documents prepared by that evidence collection team, I have learned that the following evidence (among other things) was found at the scene of the shooting shortly after the shooting occurred on or about Friday July 21, 2017 on 124th Street between First and Second Avenues in New York, New York:

a. A 2017 white Ford fusion bearing New York License Plate HTU2680 — believed to be the white car used by JOSHUA SOSA, a/k/a "Sos," the defendant, in the drive-by shooting of the Victim — which appeared to have been abandoned at the scene of the shooting (the "White Ford"). The White Ford was left on 124th Street, close to or in contact with a grey Mercedes-Benz that was parked parallel to the curb of a sidewalk on 124th Street between First and Second Avenues. There was visible damage to the driver side of the White Ford and to the passenger side of the Mercedes-Benz, from what appeared to be a collision between the two cars.

b. Approximately five spent .380 caliber shell casings were recovered from the scene of the shooting on 124th Street between First and Second Avenues, several of which were stamped with the letters "ELD."¹ Approximately one of these shell casings was recovered from inside the White Ford, approximately two of these shell casings were recovered under the White Ford, and approximately two of these shell casings were recovered behind the White Ford near the rear of the apartment building at 350 East 124th Street between First and Second Avenues.

c. What appeared to be a bullet hole was observed in the outside window of a first-floor apartment within the Wagner Houses facing 124th Street where the drive-by shooting

¹ As described below, "ELD" stands for the Eldorado Cartridge Company, a now-defunct ammunition manufacturing company which used to sell .380 caliber bullets that were manufactured outside the State of New York.

4

occurred. A deformed bullet was recovered from the living room inside of this apartment.

5. I have reviewed a rental agreement for the White Ford that was recovered inside of the White Ford. Based on my review of this rental agreement, I have learned, in substance and among others things, that the rental agreement indicates that the White Ford was rented by a car rental company to a customer named in the agreement (the "White Ford Renter") on or about Wednesday July 19, 2017 at a location in Fort Lee, New Jersey.

6. I have interviewed the White Ford Renter, who stated the following, in substance and among other things, during the interview:

a. The White Ford Renter acknowledged that he rented the White Ford from a rental car company in Fort Lee, New Jersey on or about Wednesday July 19, 2017.

b. The White Ford Renter initially claimed that the White Ford was stolen at approximately 7:00 PM the day after he rented the vehicle.

c. The White Ford Renter subsequently stated that the car was never stolen from him, but rather, that he rented the car for an individual known to the White Ford Renter as "Sos."

d. The White Ford Renter further explained that at the request of "Sos," the White Ford Renter and "Sos" went to the rental car company in Fort Lee, New Jersey on or about Wednesday July 19, 2017, where the White Ford Renter rented the White Ford in his own name, but provided the keys to the car to "Sos," after which "Sos" drove the White Ford Renter to Manhattan in the White Ford. Upon their arrival in Manhattan, the White Ford Renter left the vehicle in the care of "Sos" and has not seen it since doing so.

e. The White Ford Renter has known "Sos" for a number of years. The White Ford Renter was shown a photograph of JOSHUA SOSA, a/k/a "Sosa," the defendant, and identified SOSA as the "Sos" who took the White Ford.

7. As detailed above, approximately five spent .380 caliber shell casings were recovered from the scene of the drive-by shooting of the Victim, several of which were stamped with the letters "ELD." I have spoken with a Special Agent of the United

5

States Bureau of Alcohol, Tobacco and Firearms ("ATF") who is familiar with the manufacturing of ammunition. This ATF agent has informed me that "ELD" is a brand marker indicating that the shells came from bullets manufactured by the Eldorado Cartridge Company, a now-defunct ammunition manufacturing company which used to sell .380 caliber bullets that were manufactured either in the State of Nevada or in South Korea, outside the State of New York.

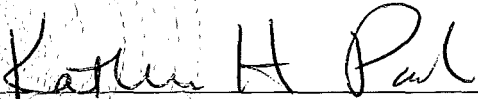
8. I have reviewed criminal history records pertaining to JOSHUA SOSA, a/k/a "Sos," the defendant, which indicate that defendant SOSA was convicted on or about February 14, 2008, in New York County Supreme Court, of Attempted Criminal Possession of a Weapon in the Second Degree (a Loaded Firearm in Another's Home or Business), a Class D felony, in violation of New York Penal Law § 265.03(03), for which SOSA was sentenced on or about May 13, 2008 to two years of imprisonment followed by three years of post-release supervision.

WHEREFORE, the deponent respectfully requests that a warrant issue for the arrest of JOSHUA SOSA, a/k/a "Sos," the defendant, and that he be imprisoned, or bailed, as the case may be.



CARMELO SANTANA
Detective
New York City Police Department

Sworn to before me this
25th day of July 2017



THE HONORABLE KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK